

# EXHIBIT D

## Douglas Panzer

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**From:** Douglas Panzer  
**Sent:** Friday, February 10, 2017 1:56 PM  
**To:** 'David mts'  
**Subject:** RE: FRE 408 - Dan Schantz Farm & Greenhouses v. Catanzaro re Settlement

You have our proposal. As I mentioned previously, I am not inclined to discuss this matter by phone at this time due to your contentions that my synopses of our conversations are inaccurate and that I have lied to you. If you have particular items that you would like to discuss, please present them and I will discuss them with my client. Otherwise I will await your filing with the court.

Thank You,

**DOUGLAS PANZER | REGISTERED PATENT ATTORNEY | FITZPATRICK LENTZ & BUBBA, P.C.**

4001 Schoolhouse Lane, Center Valley, PA 18034

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**From:** David mts [mailto:davemts1213@gmail.com]  
**Sent:** Friday, February 10, 2017 11:24 AM  
**To:** Douglas Panzer  
**Subject:** Re: FRE 408 - Dan Schantz Farm & Greenhouses v. Catanzaro re Settlement

Douglas,

Would you like to have a phone conversation only pertaining to settlement talks?

Thanks,  
David

On Fri, Feb 10, 2017 at 10:33 AM, Douglas Panzer <[dpanzer@flblaw.com](mailto:dpanzer@flblaw.com)> wrote:

David,

Dan Schantz Farm and Greenhouses proposes the following settlement terms, subject to Federal Rule of Evidence 408:

REDACTED

This will be DSF&G's only offer of settlement prior to your time to answer the complaint. If you agree, we will prepare the documentation for signature by both parties. If you reject this offer, we will await your response to the complaint and do not intend to discuss settlement again until at least that time. If we proceed past the time to answer and DSF&G is forced to incur further legal fees, the amount of our demand will increase.

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**From:** David mts [mailto:[davemts1213@gmail.com](mailto:davemts1213@gmail.com)]  
**Sent:** Wednesday, February 08, 2017 1:04 PM  
**To:** Douglas Panzer <[dpanzer@flblaw.com](mailto:dpanzer@flblaw.com)>  
**Subject:** Re: FRE 408

Douglas,

Please provide a response to the email I forwarded yesterday.

Thanks,

David

On Tue, Feb 7, 2017 at 11:01 AM, David mts <[davemts1213@gmail.com](mailto:davemts1213@gmail.com)> wrote:

FRE 408

Douglas,

After reevaluating this matter over the weekend and yesterday, I believe a more leveled thought out approach would be best served for all involved to see how we can resolve it.

Although I will by initially asserting the defenses I stated in my 2/2/17 email, your showing of "Bad Faith" truly caused me to be extra defensive then I would otherwise like to be.

Having said the above, what is your client willing to offer to settle this matter?

On Mon, Feb 6, 2017 at 11:27 AM, Douglas Panzer <[dpanzer@flblaw.com](mailto:dpanzer@flblaw.com)> wrote:

David,

I have conferred with my client and we reject your demand of 2/2/17.

Further, due to the fact that I provided to you written confirmation by email of our telephone conversation on Friday, 2/3/2017, but you deny the accuracy of that email, I must insist that all further communication in this matter be written. I will be happy to accept any written correspondence from you. Otherwise, we will await your response to the complaint in this matter.

Thank You,

**DOUGLAS PANZER | REGISTERED PATENT ATTORNEY | FITZPATRICK LENTZ & BUBBA, P.C.**

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**From:** David mts [mailto:[davemts1213@gmail.com](mailto:davemts1213@gmail.com)]

**Sent:** Monday, February 06, 2017 11:03 AM

**To:** Douglas Panzer <[dpanzer@flblaw.com](mailto:dpanzer@flblaw.com)>

**Subject:** Re: Dan Schantz Farm & Greenhouses v. Catanzaro

FRE 408

What is your clients response to my settlement demand of 2/2/17.

On Fri, Feb 3, 2017 at 12:57 PM, David mts <[davemts1213@gmail.com](mailto:davemts1213@gmail.com)> wrote:

Dear Mr. Panzer,

The statements you have made in your most recent email are **inaccurate** and incorrect with the exception of the settlement demand. I have never ounce stated orally or by writing that your client was infringing on the 959 patent.

The statements in my previous email of 2/2/17 reflect the true record regarding this matter. If you have any written communications by me to you or your client challenging my position, please forward.

The 959 patent may have been stated within our last conversation and in a previous email, but only to the extent that it is the main claim of contention raised in the lawsuit your client filed against me.

Thanks,



David

----- Forwarded message -----

From: David mts <davemts1213@gmail.com>

Date: Fri, Feb 3, 2017 at 12:05 PM

Subject: Re: Dan Schantz Farm & Greenhouses v. Catanzaro

To: Douglas Panzer <dpanzer@flblaw.com>

Dear Mr. Panzer,

The statements you have made in your most recent email are **inaccurate** and **incorrect** with the exception of the settlement demand. I have never once stated orally or by writing that your client was infringing on the 959 patent.

The statements in my previous email of 2/3/17 reflect the true record regarding this matter. If you have any written communications by me to you or your client challenging my position, please forward.

The 959 patent may have been stated within our last conversation and in a previous email, but only to the extent that it is the main claim of contention raised in the lawsuit your client filed against me.

Thanks,

David

On Fri, Feb 3, 2017 at 11:38 AM, Douglas Panzer <dpanzer@flblaw.com> wrote:

Mr. Catanzaro,

I am writing to confirm our telephone conversation of a few minutes ago. It is my understanding from that call that the settlement demand you presented in your email of yesterday, February 2, 2017, at 3:40 PM remains unchanged and open. As I stated, I have relayed your communication to my client and I will provide you a response when I have one.

I also confirm that you relayed to me your recollection of our telephone conversation on January 18, 2017, in which you believe you stated "If a lawsuit is to be filed I could file one today." I also confirm that during our call this morning you reiterated that my "client is infringing," although it is your belief that you have not identified specific products you allege to be infringing. You did confirm the involvement of the '959 patent and that the accused products are holiday decorative products sold during the 2016 holiday season.

Thank You,

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